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Serial No.: 10/675,640
Response to Office ActionDocket No. 1001.27
Customer No. 53953**REMARKS**

Applicant respectfully requests reconsideration of this application in view of the following remarks. Claims 1, 3, 6, 7, 10, 12, 15, 17, 20, 21, 24, 26, 29, 31, 34, 35, 38, 40, 43, 45, 48, 49, 52 and 54 have been amended. Claims 4, 5, 11, 18, 19, 25, 32, 33, 39, 46, 47 and 53 have been cancelled. Claims 1-3, 6-10, 12-17, 20-24, 26-31, 34-38, 40-45, 48-52, and 54-56 are pending. Antecedent basis for the amendments is located throughout Applicant's specification and the original claims, as for example in the discussion at page 4, line 18 through page 5, line 2, the discussion at page 12, line 13 through page 13, line 2, and the discussion at page 14, line 9 through page 16, line 3. Accordingly, no new matter has been entered.

The title has been amended in accordance with the Office Action's suggestion.

The Abstract of the Disclosure has been amended to comply with the 150-word limit.

Rejection of the claims

Claims 7, 10, 21, 24, 35, 38, 49 and 52 have been amended to overcome the rejection under 35 U.S.C. § 112, second paragraph.

The Office Action rejected claims 43-56 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully disagrees with such rejection. Claim 43 recites *apparatus* from which a computer program is accessible by an information handling system.

The Office Action correctly states that, in Applicant's specification, a "network connection" is cited as one example of a computer-readable medium *apparatus*. However, Applicant respectfully disagrees with the Office Action's statement that "a network connection is a carrier wave/signal." Applicant's specification does *not* include any such statement.

In Applicant's specification, a network connection is an example of a computer-readable medium *apparatus*. A "carrier wave/signal" (and its encoded information) would be accessible *from* a network connection. The network connection itself is *apparatus*, which is statutory subject matter, so claims 43-56 should not be rejected under 35 U.S.C. § 101.

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The Office Action rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,710,914 ("Verbauwhede").

As amended, claim 1 recites:

1. A method performed by an information handling system for processing a sequence of instructions that includes first and second instructions, wherein each of the first and second instructions is processable in a sequence of stages that includes first and second execution stages, and wherein the first instruction's second execution stage is processable substantially concurrent with processing the second instruction's first execution stage, comprising:
executing the first instruction during both of its first and second execution stages, in which a first arithmetic operation of the first instruction is performed in response to first source operand information, and in which first destination operand information is output in response thereto; and
executing the second instruction during a selected one of its first and second execution stages, in which a second arithmetic operation of the second instruction is performed in response to second source operand information, and in which second destination operand information is output in response thereto, so that the second instruction is executed: during only its first execution stage in response to the second source operand information being independent of the first destination operand information; and during only its second execution stage in response to the second source operand information being dependent on the first destination operand information; and wherein the second destination operand information is written for storage in a memory after the second instruction's second execution stage, even if the second instruction is executed during its first execution stage.

In MPEP § 2131, the PTO provides that:

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, to sustain a rejection of amended claim 1, Verbauwhede must contain all of the above-recited elements in amended claim 1. However, Verbauwhede fails to teach the combination of elements in amended claim 1. The Office Action cites the "Read" stage in Fig. 4 of Verbauwhede, but the "Read" stage fails to anticipate the selected one of the first and second execution stages of the second instruction in amended claim 1.

For example, in the "Read" stage, Verbauwhede fails to teach an execution stage in which a second arithmetic operation of a second instruction is performed in response to second source operand information, and in which second destination operand information is

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output in response thereto. Accordingly, Verbauwhede fails to support a rejection of amended claim 1 under 35 U.S.C. § 102(e). Likewise, Verbauwhede fails to support a rejection of amended claims 15, 29 and 43.

Also, in relation to amended claim 1, Verbauwhede is defective in supporting a prima facie case of obviousness. As between Verbauwhede and Applicant's specification, only Applicant's specification teaches the combination of elements in amended claim 1. Accordingly, in relation to amended claim 1, the PTO's burden of factually supporting a prima facie case of obviousness has not been met. Likewise, in relation to amended claims 15, 29 and 43, the PTO's burden of factually supporting a prima facie case of obviousness has not been met.

Thus, a rejection of amended claims 1, 15, 29 and 43 is not supported.

Conclusion

For these reasons, and for other reasons clearly apparent, Applicant respectfully requests allowance of claims 1, 15, 29 and 43.

Dependent claims 2, 3, 6-10, and 12-14 depend from and further limit claim 1 and therefore are allowable.

Dependent claims 16, 17, 20-24, and 26-28 depend from and further limit claim 15 and therefore are allowable.

Dependent claims 30, 31, 34-38, and 40-42 depend from and further limit claim 29 and therefore are allowable.

Dependent claims 44, 45, 48-52, and 54-56 depend from and further limit claim 43 and therefore are allowable.

An early formal notice of allowance of claims 1-3, 6-10, 12-17, 20-24, 26-31, 34-38, 40-45, 48-52, and 54-56 is requested.

To the extent that this Response to Office Action results in additional fees, the Commissioner is authorized to charge deposit account no. 50-3524.

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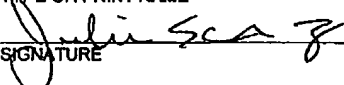
Applicant has made an earnest attempt to place this case in condition for allowance.
If any unresolved aspect remains, the Examiner is invited to call Applicant's attorney at the
telephone number listed below.

Respectfully submitted,



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